

THE UNITED STATES PATENT AND TRADEMARK OFFICE

1641  
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Rev. 01/23/03  
4/8/03  
NW

Applicant: Benjamin P. Warner et al. Docket No.: S-94,661  
Serial No.: 09/859,701 Examiner: Deborah A. Davis  
Filed : May 16, 2001 Art Unit: 1641  
For : METHOD FOR DETECTING BINDING EVENTS USING  
MICRO-X-RAY FLUORESCENCE SPECTROMETRY

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SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO  
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE

(check and complete this item, if applicable)

1.  This replies to the Office Letter dated February 20, 2003.

A copy of the Office Letter is enclosed.

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

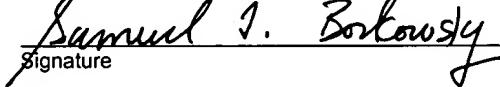
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Signature

Samuel L. Borkowsky  
(type or print name of person certifying)

Date: March 27, 2003

## IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Samuel L. Borkowsky  
(type or print name of declarant signing below)  
state the following:

### ITEMS BEING SUBMITTED

3. Submitted herewith is/are:

(check each item as applicable)

- A.  "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
- B.  An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).
- C.  A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.
- D.  Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In reapplication of:

Application No.: 0 /  
Filed:  
For:

Group No.:  
Examiner:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form  
(other application)

"Sequence Identifier"  
(this application)

- E.  A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821 (g).
  - Because the statement is not made by a person registered to practice before the Office, the statement is verified as required in 37 C.F.R. § 1.821(b).
- F.  Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821 (g), a statement that the submission includes no new matter.
  - Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:  
(complete applicable item A and/or B)

- A.  Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B.  All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**STATUS**

5. Applicant

- claims small entity status

**EXTENSION OF TIME**

6. The proceedings herein are for a patent application and the provisions of 37C.F.R. § 1.136 apply.

- (a)  Applicant petitions for an extension of time under 37 C.F.R. § 1.136  
(fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

Fee: \$ 55.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$55.00

**or**

- (b)  Applicant believes that- no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**FEE PAYMENT**

7.  Attached is a check in the sum of \_\_\_\_\_
- Charge Account No. 12-2150 the sum of \$55.00.  
A duplicate of this transmittal is attached.

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## FEE DEFICIENCY

8.  If any additional extension and/or fee is required, charge

Account No. 12-2150.

### SIGNATURE(s)

Respectfully submitted,

Date: March 27, 2003

Samuel L. Borkowsky  
Signature of Agent

Reg. No.: 42,346  
Phone: (505) 665-3111

Samuel L. Borkowsky  
Los Alamos National Laboratory  
LC/IP, MS A187  
Los Alamos, New Mexico 87545



<b>Notice to Comply</b>	Application No. 09/859,701	Applicant(s) Warner et al.	
	Examiner Deborah A. Davis	Art Unit 1641	Paper No 6
<b>NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES</b>			
Applicant must file the items indicated below within the time period set by the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).			
The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):			
<input checked="" type="checkbox"/> 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).			
<input checked="" type="checkbox"/> 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).			
<input checked="" type="checkbox"/> 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).			
<input type="checkbox"/> 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."			
<input type="checkbox"/> 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).			
<input type="checkbox"/> 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).			
<input type="checkbox"/> 7. Other: _____			
<b>Applicant Must Provide:</b>			
<input checked="" type="checkbox"/> An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".			
<input checked="" type="checkbox"/> An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.			
<input checked="" type="checkbox"/> A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).			
For questions regarding compliance to these requirements, please contact:			
For Rules Interpretation, call (703) 308-4216 or (703) 308-2923			
For CRF Submission Help, call (703) 308-4212			
Patent Software Program Support			
Technical Assistance.....703-287-0200			
To Purchase Patent Software.....703-306-2600			
<b>PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY</b>			

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